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FIREEYE, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FINJAN, INC., a Delaware Corporation,

Plaintiff,

v.

FIREEYE, INC., a Delaware Corporation,

Defendant.

Case No.: CV13-03133-SBA

**STIPULATION AND ORDER
REQUESTING EXTENSION OF THE
DEADLINE FOR THE PARTIES TO
COMPLETE MEDIATION**

Trial Date: None Set

RECITALS

Pursuant to Civil Local Rules 6-1(b), 6-2, 7-12, and ADR Local Rule 6-5, Plaintiff Finjan, Inc. and Defendant FireEye, Inc. (collectively, “the Parties”), by and through their respective counsel, hereby stipulate to the following request to extend the deadline for the Parties to complete mediation:

WHEREAS, on September 23, 2013 the Court granted the Parties’ stipulation to select mediation as the Alternative Dispute Resolution (ADR) process, to be completed by the presumptive deadline of December 23, 2013 (Dkt. No. 20);

WHEREAS, on October 25, 2013, Julie Mar-Spinola was appointed Mediator by ADR Clerk’s Notice (Dkt. No. 38);

WHEREAS, on December 5, 2013, the Parties received an email from Alice Fiel, ADR Case Administrator, informing the Parties that Julie Mar-Spinola was unable to conduct the mediation due to a family emergency;

WHEREAS, on December 5, 2013, the ADR Clerk sent the Parties notices vacating the appointment of Julie Mar-Spinola as Mediator and scheduling an ADR Phone Conference for December 12, 2013 (Dkt. Nos. 44, 45);

WHEREAS, on December 12, 2013, counsel for the Parties attended the ADR Phone Conference and consulted with Daniel Bowling, an ADR Administrator in the ADR Office for the Northern District of California, regarding the appointment of a new mediator and extending the deadline to complete mediation to accommodate this process;

WHEREAS, the Parties agreed during the ADR Phone Conference that in order for mediation to be effective, the deadline to complete mediation should be February 28, 2014;

WHEREAS, the Parties were instructed during the ADR Phone Conference to prepare the instant stipulation and advised that the ADR Office would provide a bench memorandum to the Court

1 regarding the ADR Phone Conference;

2 WHEREAS, the requested extension of time should not have any material effect on the
3 schedule in this case.

4 **STIPULATION**

5 NOW THEREFORE, by request of the ADR Office for the Northern District of California, the
6 Parties hereby stipulate and request that the deadline for the Parties to complete mediation be extended
7 from December 23, 2013 to February 28, 2014.
8

9 Respectfully submitted,

10 Dated: December 13, 2013

KRAMER LEVIN NAFTALIS & FRANKEL LLP

11 /s/ Lisa Kobialka

12 LISA KOBIALKA

13 Counsel for Plaintiff,
14 FINJAN, INC.

15 Dated: December 13, 2013

DLA PIPER LLP (US)

17 /s/ Kathryn Riley Grasso

18 KATHRYN RILEY GRASSO

19 Counsel for Defendant,
20 FIREYE, INC.

21
22 **ATTESTATION PURSUANT TO L.R. 5-1(i)**

23 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
24 document has been obtained from any other signatory to this document.

25 /s/ Lisa Kobialka


26 Lisa Kobialka

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The deadline for the Parties to complete mediation in this matter is extended from December 23, 2013 to February 28, 2014.

Dated: 12/16/2013


The Honorable Sandra Brown Armstrong
United States District Judge